

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MIGEL GROSS,)	CASE NO. 1:14CV1082
)	
Petitioner,)	JUDGE DAN AARON POLSTER
)	
vs.)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
BENNIE KELLY,)	
)	
Respondent.)	

Before the Court is the Report and Recommendation of Magistrate Vernelis K. Armstrong (“R & R”) (**Doc. # 19**). The R&R recommends that Petitioner Migel Gross’ 28 U.S.C. § 2254 petition for writ of habeas corpus (**Doc. # 1**) be dismissed as time-barred.

Under 28 U.S.C. § 636(b)(1) a habeas petitioner has 14 days after being served a copy of the R&R to file written objections. The docket reflects that copy of the R&R was mailed to Petitioner on February 27, 2015. In this case, more than 21 days have elapsed since the R&R was mailed to Gross, and Gross has filed neither an objection nor a request for an extension of time to file one.

Failure to file objections by the deadline constitutes a waiver of the right to obtain a de novo review of the R&R in the district court, United States v. Walters, 638 F.2d 947, 949 (6th Cir. 1981), and a waiver of the right to appeal. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff’d, 474 U.S. 140 (1985).

The Court has reviewed the Magistrate Judge's R&R and agrees that the petition should be dismissed as time-barred. Accordingly, the Court **ADOPTS** the Magistrate Judge's R&R (**Doc. # 19**) and **DISMISSES** the petition for writ of habeas corpus (**Doc. # 1**).

IT IS SO ORDERED.

/s/ *Dan Aaron Polster* March 23, 2015

Dan Aaron Polster

United States District Judge